

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DERRICK R. SMITH,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-CV-223 ACL
)	
KIMBERLY BIRCH, et al.,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

Plaintiff has filed a notice of appeal but has failed to pay the statutory filing fee [Doc. #10]. Consequently, the Court will order plaintiff to pay the full \$505 filing fee. Additionally, the Court notes that plaintiff may not proceed in forma pauperis on appeal, because he has incurred more than three "strikes" pursuant to 28 U.S.C. § 1915(g).¹

Accordingly.

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis on appeal [Doc. #14] is **DENIED**.

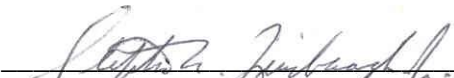
IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, plaintiff shall pay to this Court the full \$505 fee for filing an appeal. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff shall file any future document or pleadings in

¹ See *Smith v. Crawford*, No. 09-6068-CV-SJ-HFS-P (W.D.Mo. 2009); *Smith v. Phillips*, No. 1:14CV186 ACL (E.D.Mo. 2015); *Smith v. Beggs*, No. 1:16CV89 SNLJ (E.D.Mo. 2016).

connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 18th day of October, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE